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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,368	01/30/2004	Kurt Businger	21204.0182US	7907

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SULLIVAN & WORCESTER LLP
1666 K Street NW
Washington, DC 20006

EXAMINER

PINHEIRO, JASON PAUL

ART UNIT	PAPER NUMBER
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3714

NOTIFICATION DATE	DELIVERY MODE
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09/15/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/769,368	Applicant(s) BUSINGER ET AL.	
	Examiner Jason Pinheiro	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. After the amendment filed 08/11/2009 claims 1-2, 6-7, 10, 14-16, 18-21 and 27-28 were amended and claim 17 cancelled. Therefore claims 1-16 and 18-28 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 12 and 15-16 and 18-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fogelman et al (US 4440457) in view of Crowell et al (US 6357718) and Morningstar (US 3853381).

Regarding claims 1, 6 and 15-16: Fogelman discloses: a support structure configured to support a monitor (abstract, Fig. 1). Fogelman also discloses securing the monitor to the support structure (Col. 3, Line 46 - Col. 4, Line 2). However Fogelman does not specify the use of jack screw assemblies to secure the monitor to the support structure; that each of the plurality of jack screw assemblies comprises a jack screw and nut, wherein the nut is configured to be threaded onto the jack screw to secure a retainer against the shoulder; or that the jack screw comprises a shoulder, and wherein adjustment of a position of the shoulder changes a position of the monitor.

Crowell '718 discloses a jackscrew assembly (Col. 6, Lines 20-40) and a method of utilizing the jackscrew assemblies in an opening regardless whether the opening was specifically for use with the jackscrew assembly (Col. 6, Lines 7-14); and that each of the plurality of jack screw assemblies comprises a jack screw and nut, wherein the nut is configured to be threaded onto the jack screw (Col. 2, Line 48 – Col. 3, Line 43). Crowell further discloses utilizing a jackscrew to adjust the alignment and positioning of an object to a desired positioning (Col. 1, Lines 9-19). Although Crowell does not specifically disclose how to use a jackscrew, it is notoriously well known in that by rotating the jackscrew it will change the position of the object to which it is attached. Although Fogelman and Crowell do not specifically disclose where to position the monitor, the position of the monitor is an obvious matter of design choice. Crowell further discloses fixedly inserting the jack stud into an aperture in the support structure (136, Fig. 3) and that the jack screw is configured to be threaded onto the jack stud (136, Fig. 3).

Morningstar discloses that the jack screw comprises a shoulder (Col. 2, Lines 45-57) (Fig. 1, reference character 56). The shoulder of Morningstar is utilized to operate the jack screw and to facilitate rotation of the jack screw (Col. 2, Lines 45-57).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to utilize the jackscrew assembly, as disclosed in Crowell and Morningstar, to secure the monitor to the support structure as

disclosed in Fogelman in order to allow for the proper positioning and alignment of the monitor (Crowell, Col. 1, Lines 9-19)

Regarding claims 2, 7 and 21: Fogelman, Morningstar and Crowell disclose that which is discussed above. Crowell further discloses that the plurality of jack screw assemblies include: a jack stud configured to be fixedly inserted into a hole in the support structure, the jack screw is configured to be threaded onto the jack stud (136, Fig. 3).

Regarding claims 3, 8 and 18: Fogelman, Morningstar and Crowell disclose that which is discussed above. Fogelman further discloses that the monitor includes a retainer, the retainer having an aperture, the retainer configured to be disposed on the jack screw so that the jack screw assembly passes through the aperture in the retainer (28, Fig. 6).

Regarding claim 4: Fogelman, Morningstar and Crowell disclose that which is discussed above. Fogelman further discloses that the nut is configured to be disposed on the jack screw and over the retainer (28, Fig. 6).

Regarding claims 5, 9, 19-20 and 22: Fogelman, Morningstar and Crowell disclose that which is discussed above. Crowell discloses utilizing a jackscrew to adjust the alignment and positioning of an object to a desired positioning (Col. 1, Lines 9-19). Although Crowell does not specifically disclose how to use a jackscrew, it is notoriously well known in that by rotating the jackscrew it will change the position of the object to which it is attached. Although Fogelman and

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Crowell do not specifically disclose where to position the monitor, the position of the monitor is an obvious matter of design choice; and that each of the plurality of jack screw assemblies comprises a jack screw and nut, wherein the nut is configured to be threaded onto the jack screw (Col. 2, Line 48 – Col. 3, Line 43). Crowell further discloses utilizing a jackscrew to adjust the alignment and positioning of an object to a desired positioning (Col. 1, Lines 9-19).

Morningstar discloses that the jack screw comprises a shoulder (Col. 2, Lines 45-57) (Fig. 1, reference character 56). The shoulder of Morningstar is utilized to operate the jack screw and to facilitate rotation of the jack screw (Col. 2, Lines 45-57).

Regarding claims 12 and 23-26: Fogelman, Morningstar and Crowell disclose that which is discussed above. Although Fogelman, Morningstar and Crowell do not specifically disclose where to position the monitor, the position of the monitor is an obvious matter of design choice, as is the pitch of the jackscrew, as it would have been obvious at the time of the invention to utilize jackscrews with different pitches in order to vary the precision of the jackscrews and thereby varying the precision of the positioning of the monitor.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fogelman et al (US 4440457) in view of Crowell et al (US 6357718) and Morningstar (US 3853381) as applied to claims 6-7 above, and further in view of Koza et al (US 4652998).

Regarding claim 13: Fogelman, Morningstar and Crowell disclose that which is discussed above. Fogelman further discloses a currency distributing and collecting device disposed in the housing (Col. 5, Lines 18-21). However Fogelman, Morningstar nor Crowell disclose a processor or a printing device.

Koza '998 does disclose a processor and a printing device (Col. 3, Line 56 - Col. 4, Line 41).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the teachings of Koza into the combined teachings of Fogelman, Morningstar and Crowell in order to yield the predictable result of facilitating the usage of the game terminal and allowing printing from the game terminal.

5. Claims 10-11, 14 and 27 - 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fogelman et al (US 4440457) in view of Crowell et al (US 6357718) and Morningstar (US 3853381) as applied to claim 6 above, and further in view of Inoue (US 5609524).

Regarding claims 14, 27 and 28: Fogelman, Morningstar and Crowell disclose that which is discussed above. However, Fogelman Crowell and Morningstar do not disclose a front door mechanically coupled to the housing having an aperture through which the monitor is visible when the door is in a closed position. Although Fogelman and Crowell do not specifically disclose where to position the monitor, the position of the monitor is an obvious matter of

design choice, as is the pitch of the jackscrew, as it would have been obvious at the time of the invention to utilize jackscrews with different pitches in order to vary the precision of the jackscrews and thereby varying the precision of the positioning of the monitor.

Inoue discloses a front door mechanically coupled to the hosing having an aperture through which the monitor is visible when the door is in a closed position (Col. 3, Lines 25-29, Fig. 1).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the teachings of Inoue into the combined teachings of Fogelman, Morningstar and Crowell in order to yield the predictable result of allowing a player to see the display panel, while at the same time providing a door to facilitate the various inputs and outputs utilized by the gaming device (Inoue, Col. 3, Lines 49-65).

Regarding claims 10 and 11: Fogelman, Morningstar and Crowell disclose that which is discussed above. Although Fogelman, Morningstar and Crowell do not specifically disclose where to position the monitor, the position of the monitor is an obvious matter of design choice, as is the pitch of the jackscrew, as it would have been obvious at the time of the invention to utilize jackscrews with different pitches in order to vary the precision of the jackscrews and thereby varying the precision of the positioning of the monitor.

Response to Arguments

6. Applicant's arguments filed 04/22/2010 have been fully considered but they are not persuasive.

7. In response to applicant's argument that neither Fogelman nor Cromwell discloses "a nut that is configured to be threaded onto the jack screw to secure a retainer against the shoulder" a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Pinheiro whose telephone number is (571)270-1350. The examiner can normally be reached on M - F 8:00 AM - 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art
Unit 3714

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Examiner, Art Unit 3714